

**EXCESSIVE TIME DUE TO BOILERPLATE NATURE OF DOCUMENTS****Discovery Requests to PACCAR**

p.3	9/27/2012	SMG	Work on discovery requests	1.6
p.3	9/28/2011	SMG	Work on discovery requests	1.6
p.4	10/12/2011	SMG	Work on discovery requests	0.1
p.4	10/27/2011	EEK	Proof discovery requests for production; letter to Fertl; affidavit of mailing	0.4
p.4	10/28/2011	VPM	Review discovery requests, documents	0.3
TOTAL				<u>4</u>

**EXCESSIVE TIME BY MULTIPLE BILLERS****Responses to PACCAR's Discovery Requests**

p.8	12/29/2011	SMG	Work on responses to discovery requests	1.6
p.8	12/30/2011	SMG	Work on responses to discovery requests	3.3
p.8	1/11/2012	VPM	Work on answers to discovery requests, admissions	1.5
p.8	1/12/2012	EEK	Work on plaintiff's discovery responses	0.25
p.8	1/12/2012	VPM	Work on discovery	1.25
p.8	1/16/2012	VPM	Work on Responses to Admissions and interrogatories, review purchase document provided in deposition	0.25
p.8	1/16/2012	VPM	Work on discovery responses, go over various calculations on how reasonable use allowance was arrived at; memo to file re reasonable use calculations, errors by defendant	2
p.8	1/16/2012	EEK	Prepare/mark deposition exhibits; conference with VPM re; federal excise tax; work on discovery	2
p.9	1/17/2012	VPM	Work on discovery responses	0.3
p.9	1/17/2012	EEK	Work on discovery responses, VPM memo re: reasonable use allowance; letter to Fertl re: depo exhibits	0.5
p.9	1/17/2012	SMG	Work on discovery responses	0.9
TOTAL				<u>13.85</u>

**Stipulation Regarding Damages**

p.20	3/6/2013	SMG	Conference with VPM re: potential stipulation	0.25
p.20	3/11/2013	SMG	Work on proposed stipulation	0.9
p.20	3/11/2013	SMG	Conference with VPM re stipulation/judgment	0.2
p.20	3/11/2013	EEK	Email to Star re: interest paid 2012, year to date; email from Star, calculate interest paid	0.25
p.20	3/11/2013	VPM	Work on stipulation regarding damages	0.8
p.20	3/12/2013	SMG	Letter to Attorney Fertl/revise stipulation	0.3
p.20	3/12/2013	EEK	Work on stip re: damages, letter to Fertl re: stipulation	0.7
p.20	3/12/2013	VPM	Review final draft of proposed stipulation, sign letter	0.2
p.21	3/20/2013	SMG	Letter to Attorney Fertl	0.1
p.21	3/20/2013	SMG	Letter to Attorney Fertl	0.2
p.21	3/21/2013	EEK	Letter to Fertl re: fees/costs documentation	0.2
p.21	3/28/2013	SMG	Review letter from Attorney Fertl/conference with VPM re: prejudgment interest	0.2
p.21	3/28/2013	SMG	Research prejudgment interest	2.2
p.21	4/1/2013	VPM	Review case law on prejudgment interest	0.4
p.21	4/2/2013	EEK	Letter to Fertl re: prejudgment interest	0.2
p.21	4/2/2013	SMG	Conference with VPM re prejudgment interest/stipulation	0.1
p.21	4/2/2013	SMG	Letter to Attorney Fertl	0.75
p.21	4/18/2013	VPM	Review issue of liquidate damages, when interest on, interest starts	0.3
p.21	4/18/2013	TJA	Talked with VPM	0.25
p.21	4/24/2013	SMG	Review proposed stipulation	0.25
p.21	4/24/2013	SMG	Conference with VPM re: damages/stipulation	0.25
p.21	4/29/2013	VPM	Conference with TJA re: stipulation language, review letter from Attorney Fertl	0.3
p.21	4/29/2013	SMG	Conference with VPM re: stipulation	0.1
p.21	4/29/2013	SMG	Work on revised stipulation	0.4
p.21	4/29/2013	EEK	Email to Star re: updated loan info	0.1
p.21	4/29/2013	TJA	meet with VPM re: stip, damages, appeal reserve, payoff, per diem	0.3
p.22	4/30/2013	SMG	Letter to Attorney Fertl	0.2
p.22	4/30/2013	EEK	Phone call to client, left voicemail for Cindy (2x); hone call with Cindy re: loan info; email from/to Cindy re: updated dates, make changes on stipulation; letter to Fertl	0.4
p.22	5/3/2013	SMG	Review letter/proposed stipulation/revise agreement	0.25
p.22	5/6/2013	VPM	Work on stipulation	0.2
p.22	5/6/2013	EEK	work on revised stip, letter to Fertl	0.2
p.22	5/6/2013	SMG	Conference with VPM re: stipulation	0.25
p.22	5/6/2013	SMG	Revise stipulation	0.25
p.22	5/8/2013	SMG	Review letter from Attorney Fertl/revise stipulation	0.25
p.22	5/10/2013	SMG	Review revised stipulation/letter	0.1
p.22	5/10/2013	VPM	Review revised stipulation from Attorney Fertl	0.1
TOTAL				12.4

**EXCESSIVE TIME BY INDIVIDUAL BILLER****Review of Merkel Depo Transcript**

p.9	1/20/2012	SMG	Review email from Court reporter/Merkel depo/email to John Jewell	0.2
p.9	1/23/2012	SMG	Telephone conference with John Jewell/review depo exhibits/notes	0.3
p.9	1/25/2012	SMG	Review depo of Todd Markel/notes	1.1
p.9	1/26/2012	SMG	Review depo of Todd Markel/notes	1.4
TOTAL				<u>3</u>

**ONLY ONE INDIVIDUAL NEEDED IN ATTENDANCE****Meeting with Client**

p.1	7/8/2011	VPM	Meet with client, go through all records, documents, email history, with travel	4.5
p.1	7/8/2011	EEK	Meet with clients at Smooth Operators, assist VPM, review documents re: finance/payoff/LL violation/lawsuit	4
TOTAL:				<u>8.5</u>

**Expert Meeting**

p.7	12/19/2011	SMG	Work on documents for expert witness	1.2
p.7	12/20/2011	SMG	Work on documents for expert witness	1.7
p.7	12/22/2011	SMG	Conference with VPM re: vehicle inspection/meeting with expert witness	0.3
p.7	12/22/2011	VPM	Go through file/prepare for expert witness meeting	0.4
p.7	12/23/2011	VPM	Meet with expert, John Jewell	3.5
p.7	12/23/2011	SMG	Review nonconformity chart/prepare for expert witness meeting	0.4
p.7	12/23/2011	SMG	Conference with expert/VPM	3.75
TOTAL				<u>11.25</u>

**Expert Meeting**

p.9	1/26/2012	SMG	Review depo exhibits/prepare for meeting with expert	1.4
p.9	1/26/2012	SMG	Review federal rules re expert reports/outline report requirements	0.7
p.9	1/26/2012	SMG	Conference with John Jewell/VPM	3.75
p.9	1/26/2012	VPM	Prepare for meeting with John Jewell	0.5
p.9	1/26/2012	VPM	Meet with John Jewell	3.75
TOTAL				<u>10.1</u>

**DUPLICATIVE WORK**

(\* indicates entries for letter preparation also listed with the task they are associated with)

**Damage Calculations/Settlement Offer**

p.4	10/25/2011	EEK	Review file re: damages, phone call to PACCAR financial re: payoff, calculate interest paid; draft settlement offer; letter to Attorney Fertl and affidavit of mailing	0.75
p.4	10/25/2011	SMG	Work on damage calculation/settlement offer	0.3
p.4	10/26/2011	VPM	Review damage calculation, phone call with client re: settlement offer, notes, discuss effects of offer	0.4
p.4	10/28/2011	VPM	Telephone conference with client re: settlement offer, review settlement offer, payoff info	0.4
TOTAL				1.85

**Nonconformities / Repair Orders**

p.2	8/5/2011	SMG	Work on nonconformity chart	1.5
p.2	8/8/2011	SMG	Work on nonconformity chart	3.9
p.2	8/9/2011	SMG	Work on nonconformity chart	3.7
p.2	9/7/2011	VPM	Review repair orders, 9/27/07-2/8/10; set up files, questions, notes on each repair order, set up collateral costs file, nonconformity file listing potential nonconformities	4.5
p.2	9/7/2011	EEK	Conference with VPM, review repair orders/issues with vehicle re: oil pressure, ECM, turbo	2
p.2	9/15/2011	VPM	Continue work on repair orders, questions relating to each repair order, outline of questions 7/7/10-2/9/11	
p.3	9/16/2011	EEK	Review file re: repair locations, create table of service locations	0.4
p.3	9/19/2011	VPM	Review chart of various dealer repair attempts	0.2
p.6	11/22/2011	VPM	Review correspondence from JX Peterbilt, Rockford, look at attached invoices	0.4
p.6	11/28/2011	SMG	Review letter/documents from JX Peterbilt, update nonconformity chart	1
p.6	11/30/2011	SMG	Update nonconformity chart	1.4
p.6	12/13/2011	SMG	Update nonconformity chart re: Cummins rapid serve claims	3.4
p.6	12/13/2011	VPM	Review letters for certification to dealers; sign letters	0.4
p.6	12/13/2011	EEK	Certification letters to dealers - Tri State Kenworth, Sapp Bros., Pape Kenworth, Cabin Diesel, Peterbilt - Rockford; phone call to Action re: subpoena and service; prepare documents	1
p.7	12/15/2011	VPM	Review certification request to Cummins	0.2
p.7	12/15/2011	SMG	Work on letter/docs for certification by Cummins Inc.	0.4
p.7	12/15/2011	EEK	Letter to Cummins Inc. re: certified records, prepare documents	0.2
p.7	1/3/2012	VPM	Work on spreadsheet for all problems	1.8
TOTAL:				26.4

**Letter to Dane County**

p.1	7/15/2011	EEK	Letter to client; letter to Dane Co.	0.4
p.1	7/15/2011	VPM	Letter to Dane County	0.1

**Letter to Clerk of Court**

p.2	7/21/2012	VPM	Letter to clerk of court	0.2
p.2	7/21/2012	EEK	Letter to Court re: Affidavit of Service	0.2

**Letters to Dealers**

p.4	10/28/2011	SMG	Work on letters to servicing dealers	0.7
p.5	11/1/2011	SMG	Work on letters to dealers	0.25
p.5	11/1/2011	EEK	Prepare letters to dealers - Cobin, JX, Peterbilt, Pape, Sapp Bros., Kenworth, WI, Kenworth	0.75
p.5	11/1/2011	VPM	Review letter to be sent to various dealers that performed repair work on client's vehicle	0.3
p.5	11/10/2011	EEK	Letter to Cabin Diesel - new address	0.1
p.5	11/10/2011	VPM	Letter to Cabin Diesel	0.2

**Letter to Attorney Fertl**

p.5	11/14/2011	EEK	Telephone conference with Jane re: status; letter to Fertl re: disclosures; affidavit of mailing	0.3
p.5	11/15/2011	VPM	Review final disclosures, sign letter, documents	0.2
<b>Letter to Attorney Fertl</b>				
p.11	3/28/2012	SMG	Letter to Attorney Fertl	0.25
p.11	3/28/2012	EEK	Fertl letter re: depo dates	0.2
<b>Letter to Attorney Fertl</b>				
p.11	4/7/2012	SMG	Letter to Attorney Fertl; review federal rules	0.4
p.11	4/7/2012	EEK	Letter to Fertl re: depo of PACCAR; phone call with Mary at Brown and Jones re: video conferencing	0.3
<b>Letter Re: Cummins Deposition</b>				
p.11	4/9/2012	VPM	Letter to client re: deposition	0.2
p.11	4/9/2012	EEK	Letter to Smiley, letter to Kincaid re: depositions	0.4
<b>Letter to Attorney Fertl</b>				
p.11	4/10/2012	EEK	Letter to Fertl re: stipulation	0.2
p.11	4/10/2012	SMG	Review/proof stipulation/letter to Attorney Fertl	0.4
<b>Letter to Attorney Fertl</b>				
p.12	4/20/2012	EEK	Letter to Fertl re: stipulation	0.2
p.12	4/20/2012	SMG	Letter to Attorney Fertl	0.25
<b>Letter to Attorney Fertl</b>				
p.12	4/25/2012	EEK	Letter to Fertl re: stip	0.2
p.12	4/25/2012	SMG	Revise stipulation/letter to Attorney Fertl	0.3
<b>Letter to Attorney Fertl</b>				
p.13	5/9/2012	SMG	Letter to Attorney Fertl	0.3
p.13	5/9/2012	EEK	Letter to Fertl re: discovery/stip	0.2
<b>Letter to Attorney Fertl</b>				
p.13	5/10/2012	EEK	Letter to Fertl re: Stip & order	0.2
p.13	5/10/2012	SMG	Review/sign stipulation; letter to Attorney Fertl	0.1
<b>Letter from Attorney Fertl</b>				
p.13	5/1/2012	SMG	Letter from Attorney Fertl	0.1
p.13	5/1/2012	SMG	Letter from Attorney Fertl	0.1
<b>Letter to Court</b>				
p.17	8/30/2012	EEK	Letter to court re: summary judgment response and findings of fact response	0.2
p.17	8/31/2012	VPM	Letter to Court	0.2
<b>Letter to Court</b>				
p.20	1/7/2013	EEK	Letter to Judge re: hard copy of brief	0.2
p.20	1/7/2013	SMG	Letter to court	0.1
<b>Letter to Attorney Fertl</b>				
p.20	3/12/2013*	SMG	Letter to Attorney Fertl/revise stipulation	0.3
p.20	3/12/2013*	EEK	Work on stip re: damages, letter to Fertl re: stipulation	0.7
p.20	3/12/2013*	VPM	Review final draft of proposed stipulation, sign letter	0.2
<b>Letter to Attorney Fertl</b>				
p.21	3/20/2013*	SMG	Letter to Attorney Fertl	0.1
p.21	3/20/2013*	SMG	Letter to Attorney Fertl	0.2
p.21	3/21/2013*	EEK	Letter to Fertl re: fees/costs documentation	0.2
<b>Letter to Attorney Fertl</b>				
p.21	4/2/2013*	EEK	Letter to Fertl re: prejudgment interest	0.2

p.21	4/2/2013*	SMG	Letter to Attorney Fertl	0.75
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**Letter to Attorney Fertl**

p.22	4/30/2013*	SMG	Letter to Attorney Fertl	0.2
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p.22	4/30/2013*	EEK	Phone call to client, left voicemail for Cindy (2x); hone call with Cindy re: loan info; email from/to Cindy re: updated dates, make changes on stipulation; letter to Fertl	0.4
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**Notice of Deposition to PACCAR**

p.13	4/27/2012	SMG	Work on notice of depo - PACCAR representative	0.9
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p.13	4/27/2012	EEK	Work on Notice of Depo re: PACCAR, letter to Fertl, affidavit of mailing/fax, letter to Fertl re: Smiley's testimony, work on requests for admissions, letter to Fertl	0.9
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p.13	5/1/2012	SMG	Review notice of depo/documents to be produced	0.4
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			TOTAL for Letter/Dep Notices	14.15
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**UNNECESSARY WORK****Cummins Subpoena**

p.9	1/30/2012	SMG	Research out of state subpoena/engine review Indiana federal rules, cummins	1.5
p.10	2/27/2012	SMG	Review court rules/subpoena for Cummins	0.8
p.10	2/27/2012	SMG	Telephone conference with court clerk for Southern District of Indiana	0.2
p.10	2/27/2012	SMG	Work on subpoenas/attachments/notice of depo; letter to Indiana court clerk	3.6
p.10	2/28/2012	SMG	Research mileage rate/POV for subpoena; work on notice of depo/subpoena; letter to clerk in IN	0.4
p.10	2/28/2012	SMG	Review/proof subpoenas/notices	0.1
p.10	3/5/2012	SMG	Review documents from IN district court; telephone conference with client	0.25
p.10	3/5/2012	SMG	Letter to court	0.3
p.10	3/5/2012	SMG	Letter to Attorney Fertl/process server	0.1
p.10	3/5/2012	EEK	Letter to Clerk, Indiana re: copies; phone call to Affordable Process re: fee; phone call with Heather at Affordable Process re: fees, copies, etc.	0.3
p.10	3/6/2012	SMG	Letter to Fertl re: Notice of Subpoena/Subpoena documents; letter to process server, affidavit of mailing	0.5
TOTAL				8.05

**Review Procedural Rules**

p.2	8/9/2011	SMG	Review notices (2) from East District; review Eastern District e-filing rules; review local rules; work on disclosure/jury demand/magistrate forms/remand statutes	3.25
p.2	9/8/2011	SMG	Research settlement offer/Rule 68	1.4
p.3	9/27/2011	SMG	Review Rule 26 re: initial disclosures/joint discovery plan	1
p.4	10/12/2011	SMG	Review federal rules	0.1
p.4	10/17/2011	SMG	Review joint pretrial report/review Rule 26/local rules	0.2
p.5	11/3/2011	SMG	Review scheduling order/calendar deadlines; review federal/local rules	0.9
p.6	12/8/2011	SMG	Review file/federal rules re: 3rd party discovery	1.3
p.6	12/12/2011	SMG	Review federal rules re: depositions/discovery; work on notice/subpoena for depo/certifications/letters	3.3
p.9	1/19/2012	SMG	Work on expert witness disclosure/review federal/local rules	1.25
p.9	1/26/2012*	SMG	Review federal rules re expert reports/outline report requirements	0.7
p.9	1/30/2012*	SMG	Research out of state subpoena/engine review Indiana federal rules, cummins	1.5
p.10	2/27/2012*	SMG	Review court rules/subpoena for Cummins	0.8
p.11	5/7/2012*	SMG	Letter to Attorney Fertl; review federal rules	0.4
p.14	6/4/2012*	SMG	Review federal rules re: depositions	0.2
p.16	8/2/2012	SMG	Review defendant's summary judgment materials; federal rules	1.2
p.17	8/30/2012	SMG	Review federal rules	0.1
p.18	12/4/2012*	SMG	Review local rules/federal rules/review defendant's motion for reconsideration	0.9
TOTAL				18.5

**E-Filing & Teleconference with Clerk of Court**

p.13	5/3/2012	SMG	Revise stipulation/e-file with court	0.2
p.16	8/1/2012	SMG	E-file summary judgment materials/telephone conference with clerk re: e-filing	1.3
p.17	8/30/2012	SMG	Review notice from court/review ECF filing/telephone conference with clerk	0.2
p.18	9/13/2012	SMG	E-file summary judgment reply materials	0.3
p.20	1/7/2013	SMG	Review/proof reconsideration response/electronic filing	0.4
TOTAL				2.4